



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2015

CORAM :

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

C.M.A.(MD)No.1086 of 2014

and

M.P.(MD) No.1 of 2014

The Divisional Manager,
Tamil Nadu State Transport
Corporation Limited,
Dindigul Branch.

... Appellant

Vs.

Kulanthaivel

... Respondent

Prayer : Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 09.04.2007 and made in M.C.O.P.No.91 of 2004 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Thoothukudi.

For Appellant : Mr.N.Asaithambi

For Respondent : Mr.R.Vijayakumar

JUDGMENT

The appellant is the Transport Corporation. The respondent was a driver in the lorry bearing Registration No.TN 69 B 5598. On 30.11.2002, the respondent was driving the lorry on the Tuticorin-Ettayapuram Road and at about 12.30 noon, the bus bearing Registration No.TN 57 N 1154 of the appellant came in the opposite direction in a rash and negligent manner and dashed against the lorry, which resulted in causing four simple injuries to the respondent. He was treated as in-patient from 30.11.2012 to 08.12.2012. Thereafter, he claimed compensation for a sum of Rs.3,00,000/- in M.C.O.P. No.91 of 2004.

2.The respondent examined himself as a witness and Exs.P1 to P9 were marked. On the side of the appellant, the Conductor was examined and only one document was marked before the Tribunal.

3.The Tribunal found that the accident was solely due to the driver of the appellant Corporation. The reliance placed by the appellant of Ex.R1, the judgment in S.T.C.No.858 of 2003, acquitting the driver of the Corporation bus was rejected. The Tribunal accepted the version of the respondent about the accident.

4. The respondent stated that the defence set up by the appellant is that the driver of the appellant Corporation had to involve in the accident due to the sudden crossing of a motorcyclist. But, no such



mention is made in Ex.P1, F.I.R. Further, the driver of the appellant Corporation was not examined. In these circumstances, accepting the version of the respondent, the Tribunal has correctly held that the driver of the Corporation was solely responsible for causing the accident. I do not find any infirmity with the same.

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5. Taking into account the four simple injuries, the Tribunal awarded compensation as follows:

For the 4 simple injuries and the pain and sufferings suffered by the petitioner	:	Rs.20,000/-
For the extra nourishment	:	Rs. 2,000/-
For the transport to hospital	:	Rs. 500/-
For the persons who attended on him during the treatment period	:	Rs. 500/-

Total	:	Rs.23,000/-

In my view, the said award amount cannot be termed as excessive. Ex.P7 reveals that the respondent was admitted as inpatient from 30.11.2002 to 08.12.2002 and also continued treatment for sometime as per Exs.P8 and P9.

6. In these circumstances, the award amount cannot be termed as excessive. In fact, it is on the lower side. Hence, I am of not inclined to interfere with the award passed by the Tribunal and the appeal deserves to be rejected.

7. Accordingly, the civil miscellaneous appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Per Admn)

/True copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal, Thoothukudi.

Copy to

The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.R.VIJAYAKUMAR, ADVOCATE IN SR : 373

Arul

SR : 13.02.2015 : 2p/4c